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Attorneys for Defendant  
**PRATT & WHITNEY CANADA CORP.**

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

GEORGE GUND III, Individually,  
and as the personal representative of  
the ESTATE OF GREG GUND;  
THEO GUND, an individual, (and  
divorced from GEORGE GUND);  
GEORGE GUND IV, an individual;  
and GG AIRCRAFT, LLC,

Plaintiffs,

vs.

PILATUS AIRCRAFT, LTD.;  
PILATUS BUSINESS AIRCRAFT,  
LTD.; PRATT & WHITNEY  
CANADA CORP.; and DOES 1  
through 30, inclusive,

Defendants.

CASE NO. C 07 4902 (MEJ)

[Removed from Superior Court of  
California for the County of San  
Francisco, Case No. CGC-07-465133]

**NOTICE OF ORDER SETTING  
INITIAL CASE MANAGEMENT  
CONFERENCE AND ADR  
DEADLINES**

[Pursuant to Civil Local Rule 4-2]

Judge: Hon. Maria-Elena James

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that the above entitled action has been assigned to  
United States Magistrate Judge Maria-Elena James, who has set an Initial Case  
Management Conference to take place on December 27, 2007 at 10:00 a.m. in the  
above entitled Court, located at 450 Golden Gate Ave., San Francisco, California,  
91402, in Courtroom "B" (15<sup>th</sup> Floor). Pursuant to Northern District Civil Local

1 Rule 4-2, a copy of this Order is attached hereto as Exhibit "A". Further pursuant  
2 to Rule 4-2, the following documents are attached:

3 1. A true and correct copy of the Joint Case Management Statement and  
4 [Proposed] Case Management Order is attached hereto as Exhibit "B".

5 2. A true and correct copy of Magistrate Judge Maria-Elena James' Case  
6 Management Standing Order and Standing Order regarding Discovery is attached  
7 hereto as Exhibit "C".

8 3. A true and correct copy of the Notice of Assignment of Case to a  
9 United States Magistrate Judge for Trial and related documents are attached hereto  
10 as Exhibit "D".

11 4. A true and correct copy of the ECF Registration Information Handout  
12 is attached hereto as Exhibit "E".

13 5. A true and correct copy of the U.S. District Court, San Francisco  
14 "Filing Guidelines" is attached hereto as Exhibit "F".

15  
16 DATED: September 28, 2007

**MENDES & MOUNT, LLP**

17  
18  
19 By: 

20 GARTH W. AUBERT  
21 EDUARDO MARTORELL  
22 Attorneys for Defendant  
23 **PRATT & WHITNEY**  
24 **CANADA CORP.**  
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# **EXHIBIT A**

**George Gund III, et al. v. Pilatus Aircraft, Ltd., et al.**  
**USDC Case No.: C074902(MEJ)**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GEORGE GUND III,

Plaintiff (s),

v.

PILATUS AIRCRAFT,

Defendant(s).

No. C 07-04902 MEJ

**ORDER SETTING INITIAL CASE  
MANAGEMENT CONFERENCE  
AND ADR DEADLINES**

IT IS HEREBY ORDERED that this action is assigned to the Honorable Maria-Elena James. When serving the complaint or notice of removal, the plaintiff or removing defendant must serve on all other parties a copy of this order, the Notice of Assignment of Case to a United States Magistrate Judge for Trial, and all other documents specified in Civil Local Rule 4-2. Counsel must comply with the case schedule listed below unless the Court otherwise orders.

IT IS FURTHER ORDERED that this action is assigned to the Alternative Dispute Resolution (ADR) Multi-Option Program governed by ADR Local Rule 3. Counsel and clients shall familiarize themselves with that rule and with the material entitled "Dispute Resolution Procedures in the Northern District of California" on the Court ADR Internet site at [www.adr.cand.uscourts.gov](http://www.adr.cand.uscourts.gov). A limited number of printed copies are available from the Clerk's Office for parties in cases not subject to the court's Electronic Case Filing program (ECF).

**CASE SCHEDULE -ADR MULTI-OPTION PROGRAM**

Date	Event	Governing Rule
9/21/2007	Notice of removal filed	
12/6/2007	*Last day to: <ul style="list-style-type: none"> <li>meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan</li> <li>file Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference</li> </ul>	<u>FRCivP 26(f) &amp; ADR L.R.3-5</u> <u>Civil L.R. 16-8</u>
12/20/2007	*Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per attached Standing Order re Contents of Joint Case Management Statement (also available at <a href="http://www.cand.uscourts.gov">http://www.cand.uscourts.gov</a> )	<u>FRCivP 26(a) (1)</u> <u>Civil L.R. 16-9</u>
12/27/2007	INITIAL CASE MANAGEMENT CONFERENCE (CMC) in Ctrm. B, 15th Floor, SF at 10:00 AM	<u>Civil L.R. 16-10</u>

\* If the Initial Case Management Conference is continued, the other deadlines are continued accordingly.

# **EXHIBIT B**

**George Gund III, et al. v. Pilatus Aircraft, Ltd., et al.**  
**USDC Case No.: C074902(MEJ)**

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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
8

9 No. C MEJ

10 Plaintiff(s),

11 vs.

**JOINT CASE MANAGEMENT  
STATEMENT AND [PROPOSED] CASE  
MANAGEMENT ORDER**

12  
13 Defendant(s).  
14

15 The parties to the above-entitled action submit this Joint Case Management Statement and  
16 [Proposed] Case Management Order and request the Court to adopt it as the Case Management Order  
17 in this case, pursuant to Federal Rule of Civil Procedure 16 and Civil Local Rule 16-10(b).  
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19 **JOINT CASE MANAGEMENT STATEMENT**

20 A. Description of the case: (The parties may attach additional pages to this statement.)

21 1. A brief description of the events underlying the action:  
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1 2. The principal factual issues which the parties dispute:

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9 3. The principal legal issues which the parties dispute:

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19 4. Other issues [*e.g. service of process, personal jurisdiction, subject matter jurisdiction or*  
20 *venue*] which remain unresolved for the reason stated below and the parties' proposed resolution:

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5. The parties who have not been served and the reasons for said lack of service:

6. The additional parties whom the below-specified parties intend to join and the intended time frame for such joinder:

B. Consent to Magistrate Judge for Trial:

1. The parties consent to assignment of this case to a United States Magistrate Judge for Trial:

☐ Yes ☐ No

The consent/request for reassignment form is attached to the back of this sample joint case management statement and order. The consent/request for reassignment form was received by Defendant with service of process of the complaint. **Each party shall file the signed form consenting to Magistrate Judge James' jurisdiction or requesting reassignment to a district court judge no later than the filing deadline for the joint case management statement assigned by the initial case management schedule.**

C. Alternative Dispute Resolution:

The parties have discussed and request the following court ADR process: Nonbinding Arbitration, Early Neutral Evaluation, Mediation, or Early Settlement *[If Nonbinding Arbitration, Early Neutral Evaluation or Mediation, state the expected or scheduled date for the ADR session]*:



**[PROPOSED] CASE MANAGEMENT ORDER**

*[Counsel shall fill in the stipulated dates for the matters below]*

Pursuant to Fed.R.Civ.P. 16, the Court conducted a case management conference on \_\_\_\_\_ and ORDERS as follows:

A. ADR Program:

1. The parties are hereby referred to \_\_\_\_\_ *[ADR selection above]*.
2. The parties shall file their ADR certification by the date assigned by the initial case management schedule received from the Clerk of the Court, pursuant to Civil L.R. 16-8.

B. Jury or Court Trial:

1. The parties shall designate in **both their pleadings and joint case management statement** whether the trial requested is a jury trial or court trial *[designate one below]*:

Plaintiff requests a jury trial \_\_\_\_\_

Defendant requests a jury trial \_\_\_\_\_

Plaintiff requests a court trial \_\_\_\_\_

Defendant requests a court trial \_\_\_\_\_

C. Pretrial Motions:

1. All pretrial motions shall be filed in accordance with Civil L.R. 7. A motion shall be noticed pursuant to Civil L.R. 7-2 without calling the Court. Civil law and motion is heard on Thursday mornings at 10:00 a.m.

D. Discovery:

1. The parties shall abide by Judge James' standing order regarding discovery and dispute

procedures.

E. Disclosure of Expert Witnesses:

1. Any party wishing to present expert witness testimony with respect to a claim or defense shall serve on all other parties the name, address, qualifications, resume, and a written report which complies with Federal Rule of Civil Procedure 26(a)(2)(B) on or before \_\_\_\_\_ (210 days before trial).

2. This disclosure must be made with respect to a person who is either (a) specifically retained or specially employed to provide expert testimony pursuant to Federal Rule of Evidence 702 or (b) a regular employee or agent or treating physician who may be called to provide expert opinion testimony.

3. **A party or counsel has a continuing duty to supplement the disclosure of expert witnesses when required under Federal Rule of Civil Procedure 26(e)(1).**

F. Rebuttal Expert Witnesses:

1. If the testimony of the expert is intended solely to contradict or rebut opinion testimony on the same subject matter identified by another party, the party proffering a rebuttal expert shall make the disclosures required by Federal Rule of Civil Procedure 26(a)(2)(B), no later than \_\_\_\_\_ (200 days before the trial).

G. Limitation on Testimony by Expert Witnesses:

1. Unless the parties enter into a written stipulation otherwise, upon timely objection, an expert witness shall be precluded from testifying about any actions or opinions not disclosed prior to the expert's deposition. This is to ensure that all factual material upon which expert opinion may be based and all tests and reports are completed prior to the expert deposition.

2. Unless application is made prior to the close of expert discovery, each party is limited to calling only one expert witness in each discipline involved in the case.

3. Any party objecting to the admissibility of the testimony of person disclosed as an expert witness must file a written motion *in limine* to exclude the testimony no later than the deadline set in this order for filing motions *in limine*.

H. Close of Discovery:

1. All discovery, including depositions of expert witnesses, must be completed by \_\_\_\_\_ (185 days before trial).
2. Pursuant to Federal Rule of Civil Procedure 16(b) and Civil L.R. 26-2, a discovery request or stipulation that calls for responses or depositions after the discovery cut-off date are not enforceable except by order of the Court and upon a showing of good cause.
3. Pursuant to Civil L.R. 26-2, no motions to compel discovery may be filed later than 10 days after the discovery cut-off date.

I. Dispositive Motions:

1. Pursuant to Civil L.R. 7-2, all dispositive motions shall be filed, served and noticed by \_\_\_\_\_ (155 days prior to trial). The parties shall file a joint statement of undisputed facts pursuant to Civil L.R. 56-2(b) when filing a motion for summary judgment or summary adjudication.
2. The Court shall hear dispositive motions on \_\_\_\_\_ ( 120 prior days to trial, during the Court's Thursday law and motion calendar) at 10:00 a.m. in Courtroom B, 15th Floor of the Federal Building, located at 450 Golden Gate Avenue, San Francisco, California.

J. Exchange and filing of Trial Papers:

1. By \_\_\_\_\_ (60 days before trial) lead counsel who will try the case shall meet and confer with respect to the preparation and content of the joint pretrial conference statement and shall exchange (but not file or lodge) the papers described in paragraph 2 below.
2. By \_\_\_\_\_ ( 45 days before trial) counsel shall file the papers described in

1 Federal Rule of Civil Procedure 26(a)(3) and a joint pretrial conference statement including  
2 the following:

3 (A) Substance of the Action: A brief description of the substance of claims and defenses  
4 which remain to be decided.

5 (B) Relief Prayed: A detailed statement of all the relief claimed, particularly itemizing all  
6 elements of damages claimed as well as witnesses, documents or other evidentiary material to  
7 be presented concerning the amount of damages.

8 (C) Undisputed Facts: A plain and concise statement of all relevant facts not reasonably  
9 disputable, as well as which facts parties will stipulate for incorporation into the trial record  
10 without the necessity of supporting testimony or exhibits.

11 (D) Disputed Factual Issues: A plain and concise statement of all disputed factual issues  
12 which remain to be decided.

13 (E) Agreed Statement: A statement assessing whether all or part of the action may be  
14 presented upon an agreed statement of facts.

15 (F) Stipulations: A statement of stipulations requested or proposed for pretrial or trial  
16 purposes.

17 (G) Witness list: A list of all witnesses to be called for trial. The parties shall submit a page-  
18 length detailed summary of the substance of the proposed testimony of each witness, which  
19 shall also specify to which disputed fact the testimony relates and an estimate of the time  
20 required for direct and cross examination of each prospective witness.

21 (H) Exhibit list: A list of all exhibits to be offered at trial. The exhibit list shall list each  
22 proposed exhibit by its number or alphabetical letter, description and sponsoring witness. All  
23 documents shall be authenticated prior to trial.

24 (I) Estimated Time of Trial: An estimate of the number of hours needed for the presentation  
25 of each party's case.

26 (J) Settlement: A statement summarizing the status of the parties' settlement negotiations.

27 No party shall be permitted to offer any witness or exhibit in its case in chief that is not  
28

disclosed in its witness or exhibit list without leave of the Court for good cause shown.

3. Motions *in limine*: Counsel are directed to meet and confer to resolve any evidentiary disputes prior to filing motions *in limine*. Any motions *in limine* shall be filed \_\_\_\_\_ (45 days prior to trial). Any Opposition to motions *in limine* shall be filed \_\_\_\_\_ (38 days prior to trial). These matters will be deemed submitted on the papers without oral argument, unless the Court orders otherwise.
  4. Trial Briefs: Counsel shall file trial briefs setting forth the applicable legal standard, pursuant to Ninth Circuit authority, all significant disputed issues of law, including foreseeable procedural and evidentiary issues by \_\_\_\_\_ (30 days prior to trial).
  5. Joint Proposed Voir Dire (Jury Trial Only): Counsel should submit a **joint** set of requested voir dire to be posed by the Court by \_\_\_\_\_ (30 days prior to trial). Any voir dire questions on which counsel cannot agree shall be submitted separately by \_\_\_\_\_ (30 days prior to trial). Counsel will be allowed brief follow-up voir dire after the Court's questioning.
  6. Joint Proposed Jury Instructions (Jury Trial Only): Jury instructions § 1.01 through § 2.02 and § 3.01 through § 3.15 from the Manual of Model Civil Jury Instructions for the Ninth Circuit (1998 Edition) will be given absent objection. Counsel shall submit a **joint** set of additional proposed jury instructions by \_\_\_\_\_ (30 days prior to trial). The instructions shall be ordered in a logical sequence, together with a table of contents. Any instruction on which counsel cannot agree shall be marked as "disputed," and shall be included within the jointly submitted instructions and accompanying table of contents, in the place where the party proposing the instruction believes it should be given. Argument and authority for and against each disputed instruction shall be included as part of the joint submission, on separate sheets directly following the disputed instruction. The Court prefers that all jury instructions conform to the Manual of Model Civil Jury Instructions for the Ninth Circuit.
- If possible, counsel shall deliver to the Courtroom Deputy a copy of their joint proposed jury

instructions on a computer disk in WordPerfect format. The disk label shall include the name of the parties, the case number and be entitled "Proposed Jury Instructions."

At the close of Defendant's case in chief, the Court shall hear oral argument on the disputed jury instructions and will then render its rulings.

7. Proposed Verdict Forms, Joint or Separate (Jury Trial Only): Counsel shall submit any joint proposed verdict forms and shall submit their separate verdict forms by \_\_\_\_\_ (30 days prior to trial).

Whenever possible, counsel shall deliver to the Courtroom Deputy a copy of their joint proposed verdict forms on a computer disk in WordPerfect. The disk label shall include the name of the parties, the case number and be entitled "Proposed Verdict Forms."

8. Proposed Findings of Fact and Conclusions of Law (Court Trial Only): Counsel shall submit joint proposed findings of facts by \_\_\_\_\_ (30 days prior to trial). Counsel shall submit separately a copy of their disputed findings of fact and conclusions of law by \_\_\_\_\_ (30 days prior to trial).

Whenever possible, counsel shall deliver to the Courtroom Deputy a copy of their joint proposed findings of fact on a computer disk in WordPerfect. The disk label shall include the name of the parties, the case number and be entitled "Joint Proposed Findings of Facts."

K. Pretrial Conference:

1. On \_\_\_\_\_ (30 days prior to trial, during the Court's Thursday law and motion calendar is held on Thursdays) the Court shall hold a pretrial conference at 10:00 a.m. in Courtroom B, 15th Floor of the Federal Building, located at 450 Golden Gate Avenue, San Francisco, California. Lead counsel who will try the case must attend the pretrial conference. The purpose of the pretrial conference is for the Court to rule on any issues raised in the final pretrial conference statement, motions *in limine*, and to discuss the trial of the case.



L. Final Pretrial Conference:

1. On \_\_\_\_\_ (4 days prior to trial, during the Court's Thursday law and motion calendar) the Court shall hold a final pretrial conference to address any outstanding trial issues.

M. Trial Date:

1. The trial shall commence [with jury selection taking place] on \_\_\_\_\_ (Trial schedule: Monday through Thursday, at 1:30 p.m. to 5:00 p.m.). The trial shall last \_\_\_\_\_ days.
2. For any documents, including the deposition of a witness testifying at trial, which will be shown presented to a witness **but will not be admitted into evidence**, counsel shall bring the original plus three clean copies of the documents. The original document will be handed to the Court during testimony, and the clean copies of the document will be given to the witness during the examination and to opposing counsel.
3. Counsel shall maintain their own exhibits during trial. Exhibits are to be premarked with exhibit tags stapled to the upper lefthand corner. If a photo or chart is being used as an exhibit, the exhibit tag should be placed on the back side of the exhibit. **The Court will only admit premarked exhibits which were listed on the earlier filed exhibit list.**
- Plaintiff shall mark the exhibits numerically; Defendant shall mark the exhibits alphabetically. The exhibit markers shall each contain the name and number of the case, the number or alphabetical letter of the exhibit, and blank spaces to accommodate the date admitted and the Deputy Clerk's initials.
4. On the day of trial, counsel shall bring the original premarked exhibits, a copy of the premarked exhibits for opposing counsel and two binders which contain a copy of each side's premarked exhibits for the Court. **The premarked exhibit binders are to be designated with label dividers.** The premarked exhibit binders will be given to the Courtroom Deputy on the morning of the trial.

1 N. Jury Selection:

2 1. The Jury Commissioner will summon 20 to 25 prospective jurors. The Courtroom Deputy  
3 will select their names at random and seat them in the courtroom in the order in which their  
4 names are called.

5 Voir dire will be asked of sufficient venire persons that eight (or more for a lengthy  
6 trial) will remain after all peremptory challenges and an anticipated number of hardship  
7 dismissals and cause challenges have been made.

8 The Court will then take cause challenges, and discuss hardship claims from the  
9 individual jurors, at side bar. The Court will inform the attorneys which hardship claims and  
10 cause challenges will be granted, but will not announce those dismissals until the process is  
11 completed. Each attorney may then list in writing up to three peremptory challenges. The  
12 attorneys will review each other's lists and then submit them to the clerk.

13 Then, from the list of jurors in numerical order, the Court will strike the persons with  
14 meritorious hardships, those excused for cause, and those challenged peremptorily. The  
15 Court will then call the first eight people in numerical sequence remaining. These people  
16 will be the jury. All jurors remaining at the close of the case will deliberate. There are no  
17 alternates.

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19 O. Sanctions:

20 Failure to comply with this Order is cause for sanctions under Federal Rule of Civil  
21 Procedure 16(f).

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23 P. Transcripts:

24 Counsel who wants to receive a daily transcript shall contact Robert Stuart,  
25 Supervisor Court Reporting Services, at (415) 522-2079, at least ten days in advance of the  
26 trial date.

27 If any video or tape recording equipment or demonstrative devices will be used, a  
28



1 signed order will need to be obtained at least ten days in advance of the trial date for the  
2 items to clear security.

3  
4 Q. Questions:

5 All questions regarding these instructions should be directed to Brenda Tolbert,  
6 Courtroom Deputy Clerk to Judge James, at (415) 522-4708.

7  
8 Date: \_\_\_\_\_

Plaintiff's Counsel

\_\_\_\_\_  
Signature

9  
10 Plaintiff's Counsel

\_\_\_\_\_  
Printed Name

11  
12 Date: \_\_\_\_\_

Defendant's Counsel

\_\_\_\_\_  
Signature

13  
14 Defendant's Counsel

\_\_\_\_\_  
Printed Name

15 **IT IS SO ORDERED.**

16  
17 Dated:

\_\_\_\_\_  
MARIA-ELENA JAMES  
United States Magistrate Judge

# EXHIBIT C


**George Gund III, et al. v. Pilatus Aircraft, Ltd., et al.**  
**USDC Case No.: C074902(MEJ)**

## Case Management Standing Order Magistrate Judge Maria-Elena James

San Francisco, Courtroom B, 15th Floor  
Brenda Tolbert, Courtroom Deputy (415) 522-4708

1. Civil Law & Motion is heard on Thursdays at 10:00 a.m. Counsel need not reserve a hearing date for civil matters, but should confirm Judge James' availability in the legal newspapers and on the district court web site, [www.cand.uscourts.gov](http://www.cand.uscourts.gov). Motions are governed by the Civil Local Rules and the Federal Rules of Civil Procedure. Motions for summary judgment shall be accompanied by a joint statement of undisputed facts in compliance with Civil L. R. 56-2(b).
2. Criminal motions are scheduled with the courtroom deputy for any Thursday at 10:00 a.m. when the judge is available, or during the regular criminal calendar while Judge James is on criminal duty. Motions are governed by the Federal Rules of Criminal Procedure and the Criminal Local Rules.
3. Discovery disputes are governed by Judge James' discovery standing order, enclosed herewith and available on the Court's website.
4. Counsel shall meet and confer prior to the Case Management Conference and file a Joint Case Management Conference Statement no later than seven days prior to the c.m.c. The statement shall address the information contained in the Joint Case Management Statement and [proposed] Case Management Order form, enclosed herewith and available on the Court's website.
5. At least seven days prior to the c.m.c., each party shall file the magistrate jurisdiction consent/declination form, enclosed herewith and available on the Court's website. In the event that any defendant(s) files a motion to dismiss, defendant(s) shall file the consent/request form at the time the motion is filed and plaintiff(s) shall file the consent/declination form fourteen days thereafter, at the time the opposition is due.
6. In all "E-Filing" cases, in addition to filing papers electronically, the parties shall lodge with chambers a printed copy of the papers by noon of the next court day following the day the papers are filed electronically. These printed copies shall be marked "Chambers Copy" and shall be submitted to the Clerk's Office in an envelope clearly marked "Magistrate Judge Maria-Elena James" and include the case number. Parties shall not file a paper copy of any document with the Clerk's Office that has already been filed electronically.

Dated: May 31, 2006

  
\_\_\_\_\_  
Maria-Elena James  
United States Magistrate Judge

**STANDING ORDER FOR ALL JUDGES OF THE NORTHERN DISTRICT OF  
CALIFORNIA**

**CONTENTS OF JOINT CASE MANAGEMENT STATEMENT**

Commencing March 1, 2007, all judges of the Northern District of California will require the identical information in Joint Case Management Statements filed pursuant to Civil Local Rule 16-9. The parties must include the following information in their statement which, except in unusually complex cases, should not exceed ten pages:

1. Jurisdiction and Service: The basis for the court's subject matter jurisdiction over plaintiff's claims and defendant's counterclaims, whether any issues exist regarding personal jurisdiction or venue, whether any parties remain to be served, and, if any parties remain to be served, a proposed deadline for service.
2. Facts: A brief chronology of the facts and a statement of the principal factual issues in dispute.
3. Legal Issues: A brief statement, without extended legal argument, of the disputed points of law, including reference to specific statutes and decisions.
4. Motions: All prior and pending motions, their current status, and any anticipated motions.
5. Amendment of Pleadings: The extent to which parties, claims, or defenses are expected to be added or dismissed and a proposed deadline for amending the pleadings.
6. Evidence Preservation: Steps taken to preserve evidence relevant to the issues reasonably evident in this action, including interdiction of any document-destruction program and any ongoing erasures of e-mails, voice mails, and other electronically-recorded material.
7. Disclosures: Whether there has been full and timely compliance with the initial disclosure requirements of Fed. R. Civ. P. 26 and a description of the disclosures made.
8. Discovery: Discovery taken to date, if any, the scope of anticipated discovery, any proposed limitations or modifications of the discovery rules, and a proposed discovery plan pursuant to Fed. R. Civ. P. 26(f).
9. Class Actions: If a class action, a proposal for how and when the class will be certified.
10. Related Cases: Any related cases or proceedings pending before another judge of this court, or before another court or administrative body.
11. Relief: All relief sought through complaint or counterclaim, including the amount of any

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3

4 **STANDING ORDER RE: DISCOVERY AND DISPUTE PROCEDURES FOR**  
5 **CASES ASSIGNED OR REFERRED TO MAG. JUDGE MARIA-ELENA JAMES**

6 This standing order informs a *pro se* party and/or counsel of the specific procedures for  
7 all cases, except those categories of cases listed in Federal Rule of Civil Procedure ("FRCP")  
8 26(a)(1)(E), assigned to Magistrate Judge Maria-Elena James for trial or referred for purposes  
9 of discovery. All parties and counsel are required to follow these procedures.

10 1. Parties shall propound disclosures and discovery in accordance with FRCP 26 and 30-  
11 36, and Civil Local Rules 26, 30, 33, 34 and 36. A copy of the Civil Local Rules for the  
12 Northern District of California is available at the Clerk's Office or for public viewing at the  
13 Court's internet site - <http://www.cand.uscourts.gov>. All requests for protective orders must  
14 comply with Civil Local Rule 79-5. Pursuant to FRCP 30(a)(2), no more than ten depositions  
15 may be taken except by order of the Court. Pursuant to FRCP 33(a) and Civil Local Rule 33-  
16 3, no more than 25 interrogatories shall be propounded except pursuant to stipulation or order  
17 of the Court.

18 2. The parties shall meet and confer regarding their initial disclosures pursuant to FRCP  
19 26(f) and shall make disclosures pursuant to FRCP 26(a)(1)(E). The parties shall supplement  
20 their initial disclosures when required under FRCP 26(e)(1).

21 3. The Court will not consider a formal motion to compel under Civil Local Rule 7.  
22 Instead, counsel must meet and confer **in person** for the purpose of resolving all disclosure  
23 and/or discovery disputes. Thereafter, if any disputes remain, counsel shall draft and file a  
24 jointly signed letter which (1) attests that prior to filing the joint letter the parties met and  
25 conferred **in person** for purposes of resolving the dispute; (2) sets forth the unresolved dispute  
26 and any pertinent factual background; and (3) states each party's position as supported by  
27 appropriate legal authority. The joint letter shall be signed by both parties, shall be limited to  
28

1 five pages and may not be accompanied by exhibits or affidavits other than exact copies of  
2 disputed interrogatories, requests for production of documents and/or responses, privilege logs,  
3 and relevant deposition testimony. The parties need not state all disputes in one letter; rather, it  
4 is preferable that the parties file a separate letter for each dispute.

5 4. In the event that counsel is unable to meet and confer with a party or opposing counsel  
6 as directed above, counsel shall file a written request for a telephonic conference for the  
7 purpose of enforcing the Court's requirement to meet and confer, or for the Court to fashion an  
8 alternative procedure which satisfies the meet and confer requirement. Counsel's written  
9 request shall state (1) three agreed upon prospective times and dates for the telephonic  
10 discovery conference to take place, (2) the anticipated length of the conference, and (3) the  
11 phone numbers at which counsel shall be contacted on the day of the conference. A copy of the  
12 written request shall be served on opposing counsel and verification of said service shall be  
13 filed with the request. Additionally, counsel shall file a declaration which states any attempt to  
14 meet and confer and the reasons for the inability to comply with this standing order. Counsel  
15 may attach exhibits to support the declaration, but the declaration and exhibits combined may  
16 not exceed seven pages. The Court will not excuse a party from the requisite in-person meeting  
17 unless good cause is shown.

18 5. In the event that the parties are participating in a deposition or a site inspection and a  
19 discovery dispute arises regarding the deposition and/or site inspection, the parties may contact  
20 Judge James' Courtroom Deputy, Brenda Tolbert, at 415-522-4708, to inquire whether Judge  
21 James is available to resolve the parties' impending dispute telephonically. In the event that  
22 Judge James is unavailable or the parties are unable to contact Judge James' courtroom deputy  
23 for any reason, the parties shall proceed follow the procedures for requesting a telephonic  
24 conference as set forth in paragraph 4 above. The deposition or site inspection shall  
25 nevertheless proceed with objections noted for the record.

26 6. In the event that a matter is to be taken off calender, or continued to a further date, a  
27  
28

1 written stipulation signed by the parties shall be filed with the Court for approval.

2 7. Other than scheduling matters, pursuant to Civil L. R. 11-4(c), a party shall not contact  
3 the Court *ex parte* without prior notice to the opposing party. Further, all communications or  
4 questions to the Court shall be presented to the Court in writing and shall be properly filed.

5 Parties must certify to the Court that all parties were served a copy of the written  
6 communication. Unless expressly requested by the Court, documents should not be faxed to  
7 chambers but should be filed or lodged in accordance with the Local Rules of Court.

8 8. Parties shall not mail or fax to the Court copies of correspondence from a party  
9 regarding any dispute pending before the Court.

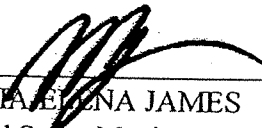
10 9. Motions for sanctions shall be filed separately, pursuant to FRCP 37, and Civil Local  
11 Rules 7 and 37-3. Any party seeking an award of attorney's fees or other expenses in  
12 connection with a motion shall file a declaration with the opposition or reply memorandum  
13 which itemizes with particularity the fees and expenses claimed.

14 10. In all "E-Filing" cases, in addition to filing papers electronically, the parties shall lodge  
15 with chambers a printed copy of the papers by noon of the next court day after filing. These  
16 printed copies shall be marked "Chambers Copy" and shall be submitted to the Clerk's Office  
17 in an envelope clearly marked "Magistrate Judge Maria-Elena James" and include the case  
18 number. Parties shall not file a paper copy of any document with the Clerk's Office that has  
19 already been filed electronically.

20 The failure of a party to abide by Judge James' Discovery and Disclosure Dispute  
21 Procedures may result in sanctions, pursuant to FRCP 16(f) and Civil Local Rule 37-3.

22 **IT IS SO ORDERED.**

23  
24 Dated: May 31, 2006

25   
26 MARIA ELENA JAMES  
27 United States Magistrate Judge  
28

# **EXHIBIT D**

**George Gund III, et al. v. Pilatus Aircraft, Ltd., et al.**  
**USDC Case No.: C074902(MEJ)**



1  
2 UNITED STATES DISTRICT COURT  
3 NORTHERN DISTRICT OF CALIFORNIA

4 NOTICE OF ASSIGNMENT OF CASE  
5 TO A UNITED STATES MAGISTRATE JUDGE FOR TRIAL  
6


7 Pursuant to General Order 44, the Assignment Plan of the United States District Court  
8 for the Northern District of California, this case has been randomly assigned to Magistrate Judge  
9 MARIA-ELENA JAMES

10 Pursuant to Title 28 U.S.C. § 636(c), with written consent of all parties, a magistrate  
11 judge may conduct all proceedings in the case. Attached is a form to complete if you consent to  
12 proceed before the assigned magistrate judge and a form to complete if you decline to proceed  
13 before the assigned magistrate judge. Electronic versions of both forms are also available at the  
14 Court's Internet site: <http://www.cand.uscourts.gov>. Click on Forms-Civil. A party is free to  
15 withhold consent without adverse consequences. If a party declines to consent, the case will be  
16 randomly reassigned to a district judge and a case management conference will be scheduled on  
17 the district judge's calendar as close as possible to the date presently scheduled before the  
18 magistrate judge.

19 You must file your consent or declination by the deadline for filing the initial case  
20 management statement.

21 The plaintiff or removing party shall serve a copy of this notice and all attachments upon  
22 all other parties to this action pursuant to Federal Rules of Civil Procedure 4 and 5.  
3  
4

5 FOR THE COURT  
6 RICHARD W. WIEKING, CLERK

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20  
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22  
By:  Deputy Clerk

MARY ANN BUCKLEY

1  
2  
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4  
5  
6 UNITED STATES DISTRICT COURT  
7 NORTHERN DISTRICT OF CALIFORNIA  
8  
9

No. C

10 Plaintiff(s),  
11 v.  
12

CONSENT TO PROCEED BEFORE A  
UNITED STATES MAGISTRATE JUDGE

13 Defendant(s).  
14 \_\_\_\_\_ /  
15

16 CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE  
17

18 In accordance with the provisions of Title 28, U.S.C. Section 636(c), the undersigned party  
19 hereby voluntarily consents to have a United States Magistrate Judge conduct any and all further  
20 proceedings in the case, including trial, and order the entry of a final judgment. Appeal from the  
21 judgment shall be taken directly to the United States Court of Appeals for the Ninth Circuit.

22 Dated: \_\_\_\_\_  
23  
24  
25  
26  
27  
28  
29  
30

Signature \_\_\_\_\_

Counsel for \_\_\_\_\_  
(Plaintiff, Defendant or indicate "pro se")

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10

11 No. C

12 Plaintiff(s),

13 DECLINATION TO PROCEED BEFORE  
14 A MAGISTRATE JUDGE  
15 AND  
16 REQUEST FOR REASSIGNMENT TO A  
17 UNITED STATES DISTRICT JUDGE

18 v.

19 Defendant(s).  
20 \_\_\_\_\_ /

21 REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

22 The undersigned party hereby declines to consent to the assignment of this case to a United  
23 States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to  
24 a United States District Judge.

25 Dated: \_\_\_\_\_

26 Signature \_\_\_\_\_

27 Counsel for \_\_\_\_\_  
28 (Plaintiff, Defendant, or indicate "pro se")  
29  
30  
31  
32

**NOTICE OF TRIAL ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE AND  
ORDER TO FILE CONSENT/REQUEST FOR REASSIGNMENT FORM**

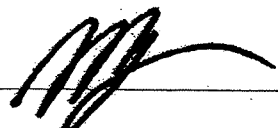
This civil case was randomly assigned to United States Magistrate Judge Maria-Elena James for all purposes including trial. In accordance with Title 28, U.S.C. § 636(c), the Magistrate Judges of this District Court are designated to conduct any and all proceedings in a civil case, including a jury or non-jury trial, and to order the entry of final judgment, upon the consent of the parties. An appeal from a judgment entered by Magistrate Judge James may be taken directly to the United States Court of Appeals for the Ninth Circuit in the same manner as an appeal from any other judgment of a district court.

You have the right to have your case assigned to a United States District Judge for trial and disposition. Attached is the form which allows you to either consent to, or decline Judge James' jurisdiction and request reassignment to a District Judge.

Each party shall sign and file the consent/declination form, either consenting to Judge James' jurisdiction, or requesting reassignment to a District Judge, no later than the filing deadline for the joint case management statement assigned by the initial case management schedule.

**IT IS SO ORDERED.**

Date: May 31, 2006

  
\_\_\_\_\_  
Maria-Elena James  
United States Magistrate Judge

1  
2  
3 IN THE UNITED STATES DISTRICT COURT  
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
5

6 No. C MEJ

7 Plaintiff(s),

**CONSENT TO ASSIGNMENT OR  
REQUEST FOR REASSIGNMENT**

8 vs.  
9

10 Defendant(s).  
11 \_\_\_\_\_/

12 **CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE**

13 In accordance with the provisions of 18 U.S.C. § 636(c), the undersigned party hereby  
14 consents to have a United States Magistrate Judge conduct any and all further proceedings in this  
15 case, including trial, and order the entry of final judgment, and voluntarily waives the right to  
16 proceed before a United States District Judge.  
17

18 Dated: \_\_\_\_\_

Signed by: \_\_\_\_\_

19  
20 Counsel for: \_\_\_\_\_

21 **REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE**

22 The undersigned party hereby declines to consent to the assignment of this case to a United  
23 States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to  
24 a United States District Judge.  
25

26 Dated: \_\_\_\_\_

Signed by: \_\_\_\_\_

27  
28 Counsel for: \_\_\_\_\_

# **EXHIBIT E**

**George Gund III, et al. v. Pilatus Aircraft, Ltd., et al.**  
**USDC Case No.: C074902(MEJ)**

C 07 4902

MEJ

## **U.S. District Court Northern California**

### **ECF Registration Information Handout**

The case you are participating in has been designated for this court's Electronic Case Filing (ECF) Program, pursuant to Civil Local Rule 5-4 and General Order 45. This means that you **must** (check off the boxes ☒ when done):

- ☐ **1) Serve** this ECF Registration Information Handout on **all** parties in the case along with the complaint, or for removals, the removal notice. **DO NOT** serve the efiler application form, just this handout.

Each attorney representing a party must also:

- ☐ **2) Register** to become an efiler by filling out the efiler application form. Follow **ALL** the instructions on the form carefully. If you are already registered in this district, do not register again, your registration is valid for life on all ECF cases in this district.
- ☐ **3) Email** (do not efile) the complaint and, for removals, the removal notice and all attachments, in PDF format within ten business days, following the instructions below. You do not need to wait for your registration to be completed to email the court.
- ☐ **4) Access** dockets and documents using **PACER** (Public Access to Court Electronic Records). If your firm already has a PACER account, please use that - it is not necessary to have an individual account. PACER registration is free. If you need to establish or check on an account, visit: <http://pacer.psc.uscourts.gov> or call **(800) 676-6856**.

BY SIGNING AND SUBMITTING TO THE COURT A REQUEST FOR AN ECF USER ID AND PASSWORD, YOU CONSENT TO ENTRY OF YOUR E-MAIL ADDRESS INTO THE COURT'S ELECTRONIC SERVICE REGISTRY FOR ELECTRONIC SERVICE ON YOU OF ALL E-FILED PAPERS, PURSUANT TO RULES 77 and 5(b)(2)(D) (eff. 12.1.01) OF THE FEDERAL RULES OF CIVIL PROCEDURE.

**All subsequent papers submitted by attorneys in this case shall be filed electronically. Unrepresented litigants must file and serve in paper form, unless prior leave to file electronically is obtained from the assigned judge.**

ECF registration forms, interactive tutorials and complete instructions for efilng may be found on the ECF website: <http://ecf.cand.uscourts.gov>

**Submitting Initiating Documents**

PDF versions of all the initiating documents originally submitted to the court (Complaint or Notice of Removal, exhibits, etc.) must be **emailed (not efiled)** to the **PDF email box for the presiding judge** (not the referring judge, if there is one) **within 10 (ten) business days** of the opening of your case. For a complete list of the email addresses, please go to: **<http://ecf.cand.uscourts.gov>** and click on **[Judges]**.

You must include the case number and judge's initials in the subject line of all relevant emails to the court. You do not need to wait for your registration to email these documents.

These documents must be emailed instead of e-filed to prevent duplicate entries in the ECF system. All other documents must be e-filed from then on. You do not need to efile or email the Civil Cover Sheet, Summons, or any documents issued by the court at case opening; note that you do need to efile the Summons Returned.

**Converting Documents to PDF**

Conversion of a word processing document to a PDF file is required before any documents may be submitted to the Court's electronic filing system. Instructions for creating PDF files can be found at the ECF web site: **<http://ecf.cand.uscourts.gov>**, and click on **[FAQ]**.

**Email Guidelines:** When sending an email to the court, the subject line of the email **must** contain the **case number, judge's initials** and the **type of document(s)** you are sending, and/or the topic of the email.

**Examples:** The examples below assume your case number is 03-09999 before the Honorable Charles R. Breyer:

Type of Document	Email Subject Line Text
Complaint Only	03-09999 CRB Complaint
Complaint and Notice of Related Case	03-09999 CRB Complaint, Related Case
Complaint and Motion for Temporary Restraining Order	03-09999 CRB Complaint, TRO



**Questions**

Almost all questions can be answered in our **FAQs** at **<http://ecf.cand.uscourts.gov>**, please check them first.

You may also email the ECF Help Desk at [ECFhelpdesk@cand.uscourts.gov](mailto:ECFhelpdesk@cand.uscourts.gov) or call the toll-free ECF Help Desk number at: (866) 638-7829.

The ECF Help Desk is staffed Mondays through Fridays from 9:00am to 4:00pm Pacific time, excluding court holidays.

# **EXHIBIT F**

**George Gund III, et al. v. Pilatus Aircraft, Ltd., et al.**  
**USDC Case No.: C074902(MEJ)**

**WELCOME TO THE U.S. DISTRICT COURT, SAN FRANCISCO**  
**OFFICE HOURS: 9:00 A.M. TO 4:00 P.M.**  
**415.522.2000**

**[www.cand.uscourts.gov](http://www.cand.uscourts.gov)**

**In Addition to the Local Rules, the Following Guidelines Have Been Provided to Ensure That the Filing Process Is Accomplished with Ease and Accuracy. For Additional Information or Assistance, Please Call the above Number During Office Hours.**

1. Documents are to be filed in the Clerk's Office at the location of the chambers of the judge to whom the action has been assigned. We do not accept filings for cases assigned to judges or magistrate judges in the Oakland or San Jose division, per Civil L.R. 3-2(b).
2. This office will retain the original plus one copy of most documents submitted. We will conform as many copies as you bring for your use. Related cases require an extra copy for each related action designated.
3. The copy retained goes directly to the assigned Judge. Courtesy copies, or instructions for couriers to deliver a copy directly to chambers are inappropriate, unless you have been instructed to do so by court order.
4. In order to facilitate the file stamping process, each original document should be submitted on top of its copies. In other words, group like documents together--as opposed to a set of originals and separate sets of copies.
5. The case number must indicate whether it is a civil or criminal matter by the inclusion of **C** or **CR** at the beginning of the number. Miscellaneous and foreign judgment matters should also be indicated with initials **MISC** or **FJ** at the end of the case number.
6. The case number must include the initials of the judge and/or magistrate judge followed by the letters designating the case Arbitration (**ARB**), Early Neutral Evaluation (**ENE**) or Mediation (**MED**)--if assigned to one of those programs.
7. The document caption should include the appropriate judge or magistrate judge involved in a particular matter or before whom an appearance is being made. This is especially important when submitting Settlement Conference Statements.
8. Documents are to be stapled or acco-fastened at the top. Backings, bindings and covers are not required. Two holes punched at the top of the original document will facilitate processing.
9. Appropriately sized, stamped, self-addressed return envelopes are to be included with proposed orders or when filing documents by mail.

10. Proofs of service should be attached to the back of documents. If submitted separately, you must attach a pleading page to the front of the document showing case number and case caption.
11. There are no filing fees once a case has been opened.
12. New cases must be accompanied by a completed and signed Civil Cover Sheet, the filing fee or fee waiver request form and an original plus **two** copies of the complaint and any other documents. For Intellectual Property cases, please provide an original plus **three** copies of the complaint. Please present new cases for filing before 3:30 p.m., as they take a considerable amount of time to process.
13. Copies of forms may be obtained at no charge. They may be picked up in person from the Clerk's Office forms cabinet or with a written request accompanied by an appropriate sized, stamped, self-addressed envelope for return. In addition, copies of the Local Rules may be obtained, free of charge, in the Clerk's Office or by sending a written request, along with a self-addressed, 10" x 14" return envelope, stamped with \$ **3.95** postage to: Clerk, U.S. District Court, 450 Golden Gate Avenue, 16th Floor, San Francisco, CA 94102.
14. Two computer terminals which allow public access to case dockets and one terminal with information regarding files at the Federal Records Center (FRC) are located in the reception area of the Clerk's Office. Written instructions are posted by the terminals. Outside of the Clerk's Office, electronic access to dockets is available through PACER. To obtain information or to register call 1-800-676-6851.
15. A file viewing room is located adjacent to the reception area. Files may be viewed in this area after signing the log sheet and presenting identification. Files are to be returned by **1:00 pm**. Under no circumstances are files to be removed from the viewing room.
16. The Clerk's Office can only accept payment by **exact change or check** made payable to Clerk, U.S. District Court. No change can be made for fees or the public copy machine.
17. Two pay copy machines are located in the file viewing room for public use, at fifteen cents (\$.15) per page. Copy cards may be purchased at the snack bar on the first floor. Orders for copywork may be placed through Eddie's Document Retrieval by phoning 415-317-5556. Arrangements may be made to bring in a personal copier by calling the Clerk's Office in advance.
18. We have a drop box for filing when the Clerk's Office is closed. Please see attached for availability and instructions.

**SAN FRANCISCO**

<b>Article III Judges</b>	<b>Judges Initials</b>	<b>Magistrate Judges</b>	<b>Judges Initials</b>
Alsup, William H.	WHA	Chen, Edward M.	EMC
Breyer, Charles R.	CRB	James, Maria-Elena	MEJ
Chesney, Maxine M.	MMC	Laporte, Elizabeth D.	EDL
Conti, Samuel	SC	Larson, James	JL
Hamilton, Phyllis J.	PJH	Spero, Joseph C.	JCS
Henderson, Thelton E.	TEH	Zimmerman, Bernard	BZ
Illston, Susan	SI		
Jenkins, Martin J.	MJJ		
Patel, Marilyn Hall	MHP		
Schwarzer, William W	WWS		
Walker, Vaughn R	VRW		
White, Jeffrey S.	JSW		

**SAN JOSE**

<b>Article III Judges</b>	<b>Judges Initials</b>	<b>Magistrate Judges</b>	<b>Judges Initials</b>
Fogel, Jeremy	JF	Lloyd, Howard R.	HRL
Ware, James	JW	Seeborg, Richard	RS
Whyte, Ronald M.	RMW	Trumbull, Patricia V.	PVT

**OAKLAND**

<b>Article III Judges</b>	<b>Judges Initials</b>	<b>Magistrate Judges</b>	<b>Judges Initials</b>
Armstrong, Sandra B.	SBA	Brazil, Wayne D.	WDB
Jensen, D. Lowell	DLJ		
Wilken, Claudia	CW		

## MONITOR DESK SCHEDULE

Week of Aug. 27-31, 2007

TIME	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
9:00 - 10:00	HILARY	TERRI	BRENDA	ROWENA	LILI
10:00 - 11:00	GINA	"	"	"	"
11:00 - NOON	JEFF	"	"	"	"
NOON - 1:00	SIMONE	"	"	"	"

**PROOF OF SERVICE**

1  
2 **STATE OF CALIFORNIA** ) **Gund v. Pilatus Aircraft, Ltd.**  
3 **COUNTY OF LOS ANGELES** ) ss. **USDCC Case No. C 074902(MEJ)**  
4 **Our File No. 390,583**

5 I am employed in the County of Los Angeles, State of California. I am over the age of 18  
6 and not a party to the within action; my business address is 445 S. Figueroa Street, Suite 3800, Los  
7 Angeles, California 90071.

8 On **September 28, 2007**, I served the document described as **NOTICE OF ORDER**  
9 **SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES** on  
10 the interested parties in this action, as follows:

**SEE ATTACHED SERVICE LIST**

11 **X** **(By U.S. Mail)** By placing \_\_\_\_ the original / **X** a true copy thereof enclosed in a  
12 sealed envelope, with postage fully paid, addressed as per the attached service list, for  
13 collection and mailing at Mendes & Mount in Los Angeles, California following ordinary  
14 business practices. I am readily familiar with the firm's practice of collection and  
15 processing correspondence for mailing. Under that practice it would be deposited with U.S.  
16 postal service on that same day with postage thereon fully prepaid at Los Angeles,  
17 California in the ordinary course of business. I am aware that on motion of the party  
18 served, service is presumed invalid if postal cancellation date or postage meter date is more  
19 than one day after the date of deposit for mailing in affidavit.

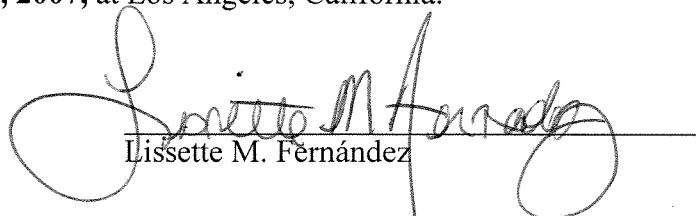
20        **(By Facsimile)** I transmitted from a facsimile transmission machine whose telephone  
21 number is (213) 955-7725 the above-entitled document to the parties listed on the attached  
22 Service List and whose facsimile transmission machine telephone number is indicated. The  
23 above-described transmission was reported as complete without error by a transmission  
24 report issued by the facsimile transmission machine upon which the said transmission was  
25 made immediately following the transmission. A true and correct copy of the said  
26 transmission report is attached hereto and incorporated herein by this reference.

27        **(By Personal Service)** By personally delivering the above-entitled document to the offices  
28 of the addressee(s) set forth on the attached service list.

       **(By FedEx)** I placed the above-entitled document in a FedEx (Overnight) envelope/pouch  
as addressed and indicated on the attached service list, with delivery fees paid or provided  
for and deposited in a facility regularly maintained by the express service carrier or  
delivered to a courier or driver authorized to receive documents on its behalf.

**X** **(FEDERAL)** I declare under penalty of perjury under the laws of the State of California  
that the above is true and correct.

Executed on **September 28, 2007**, at Los Angeles, California.

  
Lisette M. Fernández

**SERVICE LIST**

**VIA U.S. Mail**

**Attorneys for Plaintiff**

Walter J. Lack  
Elizabeth L. Crooke  
Engstrom, Lipscomb & Lack  
10100 Santa Monica Blvd., 16<sup>th</sup> Floor  
Los Angeles, CA 90067-4107  
310-552-3800 / 310-552-9434 (fx)

**Via U.S. Mail**

Bruce J. Berman  
Jeffrey A. Rossman  
McDermott Will & Emery LLP  
201 S. Biscayne Blvd., Ste. 2200  
Miami, FL 33131  
305-347-6530  
305-347-6500 (Fx)

**Via U.S. Mail**

Gregory C. Read  
Mary J. Liddy  
Sedgwick Detert Moran & Arnold,  
LLP  
One Market Plaza  
Steuart Tower, 8<sup>th</sup> Floor  
San Francisco, CA 94105